

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

BEVERLY ARLENE MORaine,

Civil No. 08-5982 (JRT/RLE)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

SOCIAL SECURITY
ADMINISTRATION,

Defendant.

Beverly Arlene Moraine, 1114 17th Avenue North, South St. Paul, MN 55075,
pro se plaintiff.

Lonnie Bryan, Assistant United States Attorney, **OFFICE OF THE UNITED
STATES ATTORNEY**, 300 South Fourth Street, Suite 600, Minneapolis, MN
55415, for defendant.

The above-entitled matter comes before the Court upon the Report and
Recommendation of United States Magistrate Judge Raymond L. Erickson, dated February
16, 2010, and no objections having been filed to said Report and Recommendation.

Based upon the Report and Recommendation of the Magistrate Judge, and all of
the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Plaintiff's Motion for Summary Judgment [Docket No. 24] is **denied**.
2. The Defendant's Motion for Summary Judgment [Docket No. 29] is
denied.
3. This matter is remanded to the Commissioner for further proceedings, in

accordance with this Report, pursuant to Sentence 4 of Title 42 U.S.C. §405(g), and that Judgment should be entered accordingly.

4. Pursuant to the holding in Shalala v. Schaefer, 509 U.S. 292, 297 (1993), Judgment is entered accordingly.

Dated: March 8, 2010
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge